

**CHARTER
PROPERTIES
INC.**

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August 10, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W. TW-A325
Washington, DC 20554

Re: Promotion of Competitive Networks in Local Telecommunication Markets,
WT Docket #99-217, Implementation of the Local Competition Provisions in
Telecommunications Act 1996, CC Docket #96-98

Dear Ms. Salas:

I am writing to you on behalf of my company and as the state President of the Apartment Association of North Carolina which represents in excess of 700,000 apartments, throughout the state of North Carolina in response to the FCC's notice of proposed rule making released on July 7, 1999, regarding forced access to buildings. I have enclosed six copies of this letter in addition to this original.

We are concerned that any action by the FCC regarding access to private property by large numbers of communications companies may inadvertently, unnecessarily and adversely affect the conduct of our business and needlessly raise additional legal issues. The Commission's public notice also raises a number of other issues that concerns my company as well as the other companies who are members of the State Apartment Association of North Carolina.

Charter Properties is a Charlotte based Real Estate Development and Management Company that has done business in the Carolina's for 28 years. We have have completed development, owned and/or managed in excess of 4000 units at locations throughout North and South Carolina.

The members of the State Apartment Association of North Carolina encompass a wide range of apartment operators from national development/management companies to mom and pop managers, all of whom have uniformly expressed a deep level of interest in this

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issue and an intense amount of fear regarding legal issues, liability issues, potential law suits, and potential loss of future rental income.

First and foremost, we do not believe the FCC needs to nor should they be acting on any issues relative to this field because we firmly believe that we as property owners, in a free market economy, are doing everything we can to satisfy our residents' demands for access to telecommunications alternatives. In addition, the FCC's request for comments raises the following issues of particular concern to me as well as my fellow owners which are: "non-discriminatory" access to private property; expansion of the scope of existing easements; location of the demarcation point; exclusive contracts; expansion of the existing satellite dish or "OTARD" rules to include non video services and most importantly the potential for legal problems that are incurred by the owner who has contractual obligations with outside third party service vendors as well as the residents themselves.

We, as apartment property owners, know and understand the demands of the market and our residents' ability to choose one apartment property location over another as such, we are keenly aware of the importance of telecommunications services to our residents. We would not, in any way, jeopardize our rental revenue stream by actions which would displease our residents. As such we have an extremely strong incentive to keep our properties as up to date and modern as possible in order to appeal to the largest segment of the apartment market as possible.

In order to properly control the space within our properties, occupied by service providers, (especially multiple providers) we must have control of who enters a building. By the loss of this control we face a high level of liability for damages to the building, the leased premises, the facilities of other providers and not the least the potential for personal injury and crime to residents and visitors. We are also liable for safety code violations issued by our local municipalities and states.

Qualifications and reliability of our providers are a real issue and as such the term "non-discriminatory" causes us real concern since a new company without a track record poses greater risks than an established one. A service provider that fails to provide the level of services to the resident that were promised adversely affects the apartment owner in the form of disgruntled residents. We are providing a lifestyle for some residents and affordable services for others. Both, however, expect us to do everything to maintain acceptable noise levels, privacy, quality of service and act as the intermediary with service providers.

Expanding rights now would in our opinion be a taking of the bundle of rights which we as owners purchase with the deed to every one of the apartment projects we own. Current demarcation point rules work fine as they offer flexibility for the resident and allow for competition by provider to the point of the demarcation – there is no need to change them. If it isn't broke, don't try to fix it.

As owners of multi family property we try hard to provide affordable housing for the general population and lifestyle housing for others. We provide service in an atmosphere which takes the cares, burdens and worries of home ownership away from our customer. If you would not be willing to institute rules allowing free access by telecommunication service providers to every single family home regardless of the homeowner's wishes, then you shouldn't ask the same thing of multifamily building owners.

Thank you for you attention to our concerns. We hope that this letter will give you some insight as to our feelings. We would be happy to answer any questions you might have relative to this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean R. DeVillers", written in a cursive style.

Dean R. DeVillers

DRD/acp

cc: Ken Szymanski, Executive Director, North Carolina State Apartment Assoc.